



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 801.5

Inmate Marriage Ceremonies

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in April 2022 and determined that no changes are needed.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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DEFINITIONS

Community Corrections Alternative Program (CCAP) - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

Facility Unit Head - The person occupying the highest position in a DOC residential facility, such as an institution, field unit, or community corrections facility

Immediate Family - Inmates' parents, step parents, grandparents, lawful spouse, biological, step or legally adopted children, and biological, half, step, or legally adopted siblings; appeals regarding an individual's status as immediate family will be decided by the Facility Unit Head.

Inmate - People who are incarcerated in a Virginia Department of Corrections facility or are Virginia Department of Corrections responsible to serve a state sentence and located at a local or regional jail.

Institution - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers

Minor - A person less than 18 years of age

Non-Contact Visitation - Visitation conducted through a physical barrier when the inmate's visitor is able to enter the facility but either the visitor or inmate is restricted from physical contact.

Special Visit - A visit that occurs when the regular visiting schedule cannot accommodate it, or a visit that is an exception to the normal visiting rules; special visits require prior authorization by the Facility Unit Head or designee. These visitors may include, but are not limited to, attorneys, clergy, former or prospective employers, sponsors, parole advisors, re-entry supporters, or business representatives.

Visitor Suspension - A prohibition of an individual's contact visiting privileges for a set time period of no more than three years.

PURPOSE

This operating procedure establishes protocols for inmates to request a marriage ceremony to be conducted in person or by telephone at a Department of Corrections (DOC) institution.

PROCEDURE

I. Eligibility for Marriage Ceremony

- A. Due to the relatively short duration of a Community Corrections Alternative Program (CCAP), probationer and parolee marriage ceremonies are not permitted in Community Corrections facilities.
- B. The Facility Unit Head of an institution may permit an in person marriage ceremony at the institution or a marriage ceremony conducted through the administrative telephone system, except when there is a violation of state law or a demonstrable state interest found to deny the marriage ceremony.
 - 1. Staff will not transport inmates outside their assigned institution for marriage ceremonies.
 - 2. The Facility Unit Head should provide written explanation to the inmate for any denial.
- C. Facility Unit Heads will not approve a marriage ceremony request when an inmate requests to marry another inmate incarcerated in the same or a different institution.
- D. Inmates may appeal the denial of their marriage ceremony request through the *Offender Grievance Procedure*; see Operating Procedure 866.1, *Offender Grievance Procedure*.

II. Request for Marriage Ceremony

- A. Inmates who wish to request a marriage ceremony while incarcerated in a DOC institution must submit an *Inmate Marriage Request* 801_F1 to the Facility Unit Head through their assigned Counselor.
- B. The inmate must complete the *Inmate Marriage Request* and provide the following information:
 - 1. Name and DOC number of inmate requesting to be married
 - 2. Date and time requested for the ceremony; the date should be a minimum of 60 days from the date the *Request* is submitted for approval.
 - 3. Type of Request; is the request for a marriage ceremony to be conducted in person at the institution or a by telephone through the administrative telephone system. In person marriage ceremonies will not be approved when:
 - a. The intended spouse cannot appear for the ceremony at the institution where the inmate is incarcerated.
The intended spouse's visitation privileges are suspended or restricted to non-contact visitation at the time of the marriage ceremony; see Operating Procedure 851.1, *Visiting Privileges*.
 - 4. Name, address, and telephone number of the intended spouse
 - 5. Name and address of the official authorized by the Code of Virginia conducting the ceremony; it is the responsibility of the inmate or intended spouse to make the necessary arrangements.
- C. When an in person marriage ceremony is requested, the inmate must provide the names and addresses of any guests requested to attend the ceremony on the *Inmate Marriage Request*; maximum of four guests permitted.
- D. When a marriage ceremony over the telephone is requested, the inmate must provide the telephone number where the marriage ceremony will be conducted.
- E. The inmate will sign the completed *Marriage Request* and submit it to their assigned Counselor.
- F. A staff member should be assigned to assist the inmate, in preparing the *Inmate Marriage Request* 801_F1, when requested.

III. Expenses

- A. The institution will not use state funds for inmate marriage ceremonies.
 - 1. A \$75 fee will be charged to reimburse the institution for staff time spent in preparation for and supervision of each marriage ceremony conducted in person at the institution.
 - 2. A \$35 fee will be charged to reimburse the institution for staff time spent in preparation for and supervision of each marriage ceremony conducted over the administrative telephone system.
 - 3. Payment by certified check, cashier's check, or money order payable to "Treasurer of Virginia" must be received at the institution prior to the marriage ceremony.
- B. All financial obligations and expenses associated with the marriage, e.g., license fee, official's fee, etc., must be paid for by the inmate or other private means.

IV. Review and Approval

- A. Within 15 days after receipt of the *Inmate Marriage Request*, the Facility Unit Head should approve or disapprove the *Request*.
 - 1. Facility staff may contact the intended spouse, prior to the Facility Unit Head's review of the *Marriage Request*, to confirm that the individual wishes to marry the inmate.
 - 2. If there is a Victim Alert in the inmate's VACORIS record, the DOC Victim Services Unit must be contacted to determine if the intended spouse is a victim of the inmate.
- B. If the request is approved, the Facility Unit Head or designee, taking into consideration the date and time requested by the inmate, will set the date and time for the marriage ceremony.
- C. The Facility Unit Head will then forward the answered *Inmate Marriage Request* to the appropriate Counselor.
- D. The Counselor will notify the inmate upon receipt of the answered *Marriage Request* and will prepare the *Marriage Approval Letter* 801_F2 to notify the intended spouse of the approved date and time for the ceremony.

V. Marriage License

- A. The inmate's intended spouse is responsible for obtaining the *Application for Marriage License (Affidavit)*.
- B. Inmates will not be transported to the jurisdictional Court to complete or sign the *Application for Marriage License (Affidavit)*.
 - 1. The *Application* must be brought, with Facility Unit Head or designee approval, or mailed to the institution for the inmate to complete, sign verifying the information contained in the *Application* is correct and to have the inmate's signature notarized by staff.
 - 2. The inmate must provide the Counselor with the information and documentation regarding prior marriages and divorce decrees or death certificates, as applicable, and requested for referral to the jurisdictional Court.
 - 3. The intended spouse will appear at the jurisdictional Court to submit the *Application for Marriage License (Affidavit)*, pay the required fees, and obtain the marriage license.
- C. The marriage license may be obtained from the Court in the spouse's local jurisdiction, within Virginia only, if proper arrangements can be made for recording the marriage, but the Court in the jurisdiction where the institution is located is preferred.
- D. Upon completion of the marriage ceremony, the official performing the ceremony will sign the marriage license and is responsible for having the marriage recorded with the Clerk of the Court of the jurisdiction in which the marriage license was issued.

- E. The Counselor or other designated staff should obtain a copy of the signed marriage license and upload it as an external document to VACORIS.

VI. Limitations for In Person Marriage Ceremonies

- A. All in person inmate marriage ceremonies will be conducted in the visiting room or other area designated by the Facility Unit Head at the institution where the inmate is incarcerated.
- B. Inmate marriage ceremonies performed in the institution will not result in the granting of any special privileges for the consummation of the marriage following the ceremony or thereafter.
- C. Witnesses and guests are limited to four individuals, excluding the official performing the ceremony.
 - 1. Other inmates will not be allowed to attend the marriage ceremony unless they are immediate family of the inmate or the intended spouse, are housed at the institution where the marriage ceremony will be conducted, and are approved by the Facility Unit Head.
 - 2. Established visitor's rules and regulations must be followed; see Operating Procedure 851.1, *Visiting Privileges*
 - a. The intended spouse and all witnesses and guests to include minors must be currently approved in the VACORIS Visiting Module and adult witnesses and guests must be on the inmate's *Visiting List* before they will be allowed to enter the institution for the ceremony.
 - i. Individuals not currently approved in the VACORIS Visiting Module, must submit an on-line visitor application, allowing at least 30 days for review and approval of the application prior to the ceremony; additional time may be required to review certain applications such as out-of-state witnesses or guests.
 - ii. Adult witnesses and guests not on the inmates *Visiting List* may be approved for a one time visits at the discretion of the Facility Unit Head
 - b. The official performing the ceremony must have prior authorization by the Facility Unit Head or designee.
 - i. The official performing the ceremony will be subject to the approval requirements for Special Visits provided in Operating Procedure 851.1, *Visiting Privileges*
 - ii. The Facility Unit Head or designee may, in their discretion, deny use of a particular official for reasons of institutional security.
 - c. Facility Unit Head approval is required before the intended spouse, presiding official, and any witnesses and guests not currently eligible to visit the inmate, including those approved to visit other inmates, will be allowed to attend the marriage ceremony.
- D. The following items may be allowed for the marriage ceremony, provided approval is obtained in advance on the:
 - 1. One new, in factory sealed container, disposable type camera.
 - 2. Rings, inmate's ring must comply with Operating Procedure 802.1, *Inmate Property*, and must be added to the inmate's property inventory.
 - 3. No food, beverages, or other items may be brought in; any refreshments must be purchased from vending machines in the visiting room or other area designated by the Facility Unit Head.
 - 4. All incoming items will be searched by a Corrections Officer before entering the institution security perimeter.
- E. With prior approval from the Facility Unit Head, supervised visitation, following the ceremony, may be allowed between the inmate, spouse, and guests. Sufficient Corrections Officers will be present at all times during the ceremony and visitation period to maintain security.

VII. Limitations for Marriage Ceremonies by Telephone

- A. All marriage ceremonies conducted over the administrative telephone system will be observed by staff and may be monitored and recorded; see Operating Procedure 803.3, *Offender Telephone Service*.

- B. Staff, prior to the marriage ceremony, must verify that the marriage license was obtained from the Court and may request a copy for confirmation.
- C. Staff will dial the telephone number provided on the approved Inmate Marriage Request at the approved date and time and will remain in the room with the inmate throughout the duration of the call to prevent misuse of the administrative telephone system.
- D. Once the marriage ceremony is completed, the call will be limited to an additional 20 minutes before the call is ended.

REFERENCES

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion.*

Operating Procedure 802.1, *Inmate Property*

Operating Procedure 803.3, *Offender Telephone Service*

Operating Procedure 851.1, *Visiting Privileges*

Operating Procedure 866.1, *Inmate Grievance Procedure*

ATTACHMENTS

None

FORM CITATIONS

Inmate Marriage Request 801_F1

Marriage Approval Letter 801_F2